



June 19,2003

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TEF JH CENTER 160012900

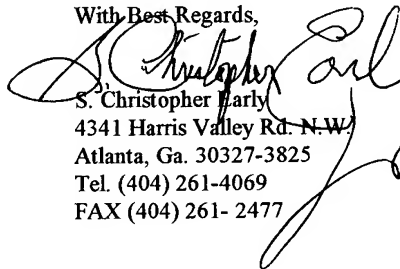
U.S Department of Commerce  
Commissioner of Patents  
Patent and Trademark Office  
Washington, D.C. 20231

Reference Application No. 10/059,400  
Confirmation No. 6086

Dear Sir,

Enclosed is a revision of my application along with a marked-up copy of the old application. Thanks to the help of your associates, I trust the revision will fulfill the needs set forth in the rejection of the original.

With Best Regards,



S. Christopher Early  
4341 Harris Valley Rd. N.W.  
Atlanta, Ga. 30327-3825  
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FAX (404) 261- 2477

ORIGINAL Application



RECEIVED  
JUL 03 2003  
TECHCENTER 16001292000

Title changed to PINK EVERGREEN MAGNOLIA  
↓ Hybrid PLANT NAMED 'Katie-O Early'  
MAGNOLIA INTERGENERIC HYBRID NAMED  
KATIE-O EARLY

Citizenship  
ADDED

INVENTOR

S. CHRISTOPHER EARLY

- full ADDRESS

FIELD OF SEARCH .....Plt./51

Latin NAME ADDED

#### REFERENCES CITED

##### U.S. PATENT DOCUMENTS

P.P. 4,145 11/ 1977 Specht.....Plt. 51

P.P. 7,456 2/ 1991 Savage et al ..Plt 51

##### OTHER DOCUMENTS

Mc Daniel , "J.C. "Variations in Sweet Bay Magnolias "

Treseder, Neil G. "Magnolias"

"Journal of the Magnolia Society "

"Journal of the Royal Horticultural Society "

Sp. change

PAGE NO. ADDED.  
No. 1



CHANGED to

# INVENTION BACKGROUND OF A NEW PLANT

ON REVISED APPLICATIONS

This invention relates to a new and distinct intergeneric hybrid of *Manglietia insignis* and *Magnolia virginiana*, both members of the magnolia family,

Magnoliaceae. The distinct features of this hybrid are it's pink flowers on an evergreen plant.

There are a number of <sup>Deciduous</sup> species of <sup>AMERICAN</sup> ~~MAGNOLIA~~ with pink flowers but no evergreen species. The *Manglietia insignis*, from China, was secured as a cutting from the Strybing Arboretum in San Francisco over thirty years ago. The rooted cutting was subsequently planted in the atrium ( enclosed garden ) of the home of S. Christopher Early in Atlanta.

The *Magnolia virginiana* is a version of this species growing around Savannah, Ga. which blooms as a small plant. It's seedlings are often cut down by mowers clearing the roadside. Several of these seedlings were planted near the home of S. Christopher Early in Atlanta.

After several years the *M. insignis* bloomed and pollen from the *M. virginiana* was applied to the pistils of the *M. insignis* flowers over a two year period. A fertile seed pod subsequently appeared with several seed.. From these seed have come six seedlings, one of which has bloomed and is the subject of this application. It and one of the other seedlings are over twelve feet tall. All of the siblings have survived cold spells over twenty five years down to as low as ten degrees F. The size of the bloom are between those of the two parents, about 12 cm. The seed pods from this plant do not form pollen nor do the pistils accept pollen but dry up after a week or so. This condition could change with more favorable growing conditions. Cuttings have been rooted and grafts have been made.

I have named the flower of this sibling, 'Katie-O Early', after my mother who was a great lover of people and flowers.

Handwritten signature or initials at the bottom of the page.

(ON PAGE 3)

SUMMARY OF INVENTION CHANGED TO - Trees of the plant 'Katie-O Early' have not been observed under all environmental conditions. The phenotype MAY VARY somewhat with variations in environment and culture such as temperature, light intensity, day length, water status, pH of soil, mineral content, of soil and/or fertilizer rate or type, without,

corolla	12cm diameter
color	Munsell Hue 2.5R 9/3 pale pink
cone	3-4 cm high
petals	8
fragrance	scented
fertility	sterile to date
time	late spring

The following trait is determined has been observed AND to be the unique trait of 'Katie-O Early' - PINK flowers appearing on an evergreen hybrid magnolia plant. It is otherwise similar parents, pink. *Manglietia insignis* flowered magnolia

foliage	persistent evergreen
habit	symmetrical, oval pyramid, single leader to both it's
leaves	acute, 14-18 cm, undersurface, lt. white pubescence
	color, green 5gy 4/3 Munsell hue
height	4 meters from seed after 25 years
hardiness	has survived 10 degrees F in Atlanta

otherwise similar parents, pink. *Manglietia insignis* flowered magnolia

1. Compact Parentage Upright pyramidal plant habit

2. Freely branching seed parent *Manglietia insignis* (Chinese origin) habit

3. Upright lateral pollen parent *Magnolia virginiana*, variety near Savannah which blooms as small plant

4. Medium green leaves. classification both parents members of magnoliaceae

5. Rapid propagation plant growth

Underlined softwood cuttings rooted been included in new subjects have cleft grafts on magnolia Detailed Botanical Description

ON PAGE 4 & 5 Description of Photographs included

ON PAGE 3. Figure 1 shows a colored photograph of the flower of *Manglietia insignis*, the female parent. Figure 2 shows a colored photograph of two flowers of our native *Magnolia virginiana*, the male parent. Figure 3 shows a colored photograph of the hybrid plant of 'Katie-O Early'.



## SUMMARY OF INVENTION

### Inflorescence

### Outstanding feature

corolla	12cm diameter
color	Munsell Hue 2.5R 9/3 pale pink
cone	3-4 cm high
petals	8
fragrance	scented
fertility	sterile to date
time	late spring

put on page  
5 of revised  
application under  
detailed botanical  
description

### Tree

foliage	persistent evergreen
habit	symmetrical, oval pyramid, single leader
leaves	acute, 14-18 cm, undersurface, lt. white pubescence color, green 5gy 4/3 Munsell hue
height	4 meters from seed after 25 years
hardiness	has survived 10 degrees F in Atlanta

### Parentage

seed parent	Manglietia insignis (Chinese origin)
pollen parent	Magnolia virginiana, variety near Savannah which blooms as small plant
classification	both parents members of magnoliaceae

### Propagation

softwood cuttings rooted  
cleft grafts on magnolia

## CLAIM

### I claim:

1. A new and distinct intergeneric hybrid of a pink flowered evergreen magnolia named, Katie-O Early, as illustrated and described.

CLAIM CHANGED AND put ON PAGE 6 of REVISER application  
I CLAIM:  
1. A NEW AND DISTINCT INTERGENERIC  
HYBRID PLANT OF A PINK FLOWERED, EVERGREEN MAGNOLIA  
NAMED 'KATIE-O EARLY' AS ILLUSTRATED AND DESCRIBED



MAGNOLIA INTERGENERIC HYBRID NAMED  
'KATIE-O EARLY'

INVENTOR S. CHRISTOPHER EARLY

FIELD OF SEARCH .....Plt./51

REFERENCES CITED

U.S. PATENT DOCUMENTS

P.P. 4,145 11/ 1977 Specht.....Plt. 51  
P.P. 7,456 2/ 1991 Savage et al ..Plt 51

OTHER DOCUMENTS

Mc Daniel, "J.C. "Variations in Sweet Bay Magnolias "  
Treseder, Neil G. "Magnolias"  
"Journel of the Magnolia Society "  
"Journal of the Royal Horticultural Society "

ABSTRACT

AN INTERGENERIC HYBRID MAGNOLIA NAMED  
KATIE-O EARLY, PARTICULARLY CHARACTERIZED BY  
HAVING PINK FLOWERS ON AN EVERGREEN TREE..

of REVISED Application

Deleted AND put on own PAGE 7  
A New AND Distinct Variety of MAGNOLIA  
PLANT NAMED 'KATIE-O EARLY' RESULTING  
FROM AN INTERGENERIC HYBRID  
AND CHARACTERIZED BY PINK  
FLOWERS ON AN EVERGREEN TREE



RECEIVED  
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TECH CENTER 1600/2900

TITLE PINK EVERGREEN MAGNOLIA HYBRID PLANT  
NAMED 'KATIE O EARLY'

INVENTOR S. Christopher Early  
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Atlanta, Georgia 30327

CITIZENSHIP USA

LATIN NAME *Manglicia insignis* x *Magnolia virginiana*  
'Katie O Early'

FIELD OF SEARCH .....Plt./51

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